

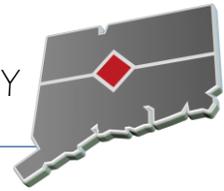
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Tel: (860) 589-7820
or (860) 224-9888



TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Timothy Malone, Senior Planner
DATE: August 26th, 2013

RECEIVED BY CCRPA ON: July 25th, 2013
REFERRAL NAME: Berlin zoning regulation amendment

INITIATOR: Selinas Family, LLC

MUNICIPAL HEARING: September 12th, 2013
REFERRED TO: CCRPA

DESCRIPTION: Selinas Family, LLC is proposing a change to regulations regarding the town's Planned Office Residential District. The change would allow wholesale distribution facilities that do not require truck deliveries or shipments on existing non-conforming lots of two acres or less. The parcel must also have frontage on the Berlin Turnpike.

COMMENTS: Steven Schiller from New Britain commented: "In general, NB doesn't have any objection to this. From Berlin's standpoint I don't know who verifies or enforces the truck traffic provision and what happens if the character of the business and truck usage changes after it's established."

STAFF RECOMMENDATION: CCRPA recommends that the referral in this proposal be found **not in Conflict** with the Regional Plan of Conservation and Development or any other agency plans.

RICHARD H. PENTORE
ATTORNEY AT LAW
785 FARMINGTON AVENUE
KENSINGTON, CONNECTICUT 06037

TEL. (860) 829-9741 • FAX (860) 829-9743
EMAIL: RPENTORE@PENTORELAW.COM • WWW.PENTORELAW.COM

July 25, 2013

Hellyn Riggins
Director of Development Services
Town of Berlin
240 Kensington Road
Berlin, CT 06037

**Re: Proposed Amendment to Berlin Zoning Regulations
Section VIII.A.o.**

Dear Hellyn:

On behalf of my client Selinas Family, LLC, I am submitting a proposed amendment to the POR zoning regulation, Section VIII.A of the town's zoning regulations. The proposed amendment is the addition of new subsection "o". The text of the amendment is enclosed.

Thank you for your consideration.

Very truly yours,



Richard H. Pentore

RHP
Cc: Client

TOWN OF BERLIN
2013 JUL 25 A 9:56

Fee Paid \$460.- 7/25/13

FILE COPY

Berlin Zoning Regulations

VIII. SPECIAL USE ZONES

A. Planned Office Residential District – POR.

o. In pre-existing non-conforming parcels consisting of two (2) acres or less with frontage on the Berlin Turnpike, small wholesale distribution facilities in buildings containing three thousand (3,000) square feet or less, that do not require trailer truck deliveries or shipments.

TOWN OF BERLIN
2013 AUG -2 A 9 1 3

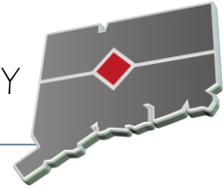
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TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Timothy Malone, Senior Planner
DATE: August 26th, 2013

RECEIVED BY CCRPA ON: July 25th, 2013
REFERRAL NAME: Farmington zoning regulation amendment

INITIATOR: The Metro Realty Group, Ltd.

MUNICIPAL HEARING: September 30th, 2013
REFERRED TO: CCRPA

DESCRIPTION: The Metro Realty Group has requested a zone change from R20 to Medical Office Complex (MOC) for the property located at 32, 36, and 38 Birdseye Road. They have also proposed changed to the MOC zone that would allow the commission to reduce yard requirements if the yard of a property abuts the I-84 connector and a State highway with a right of way equal to or greater than 80 feet.

COMMENTS: Steven Schiller of New Britain commented: "Again no objections from NB. This looks like another text amendment crafted for a single specific property, though I suppose this is better than sending the matter to ZBA. Is the text supposed to be "and", or maybe "and/or"? "And" really limits it to this one location."

STAFF RECOMMENDATION: CCRPA recommends that the referral in this proposal be found **not in Conflict** with the Regional Plan of Conservation and Development or any other agency plans. CCRPA does question how uniform this zone change is, as it appears to apply to a select few properties. CCRPA also notes that no definition of "I84 highway connector" is provided, so it is unclear if this applies to all highways connecting to I-84, or only specific ones, such as Route 4.

TOWN PLAN AND ZONING COMMISSION

NUMBER Z- 1336

1 Monteith Drive, Farmington, CT 06032-1053 Tel: 675-2325

Rec. Nbr. _____

Rec. Amt. _____

TYPE OF APPLICATION

- X Change of Zone X Amendment to Regulations
- X Special Permit X Site Plan Approval
- _____ Removal or Deposit of Earth Products _____ Waiver

1. Name of Applicant The Metro Realty Group, Ltd. Phone: 860-674-5641

Mailing Address 6 Executive Drive, Suite 100 - Farmington, CT 06032

2. Name of Contact Geoffrey W. Sager Phone: 860-674-5641

Mailing Address 6 Executive Drive, Suite 100 - Farmington, CT 06032

3. Name of Owner See Attached

Mailing Address 32, 36 and 38 Birdseye Road - Farmington, CT 06032

4. Property Address 32, 36 and 38 Birdseye Road - Farmington, CT 06032 Acreage 2.46

5. Assessor's lot number 7, 7A, 8

6. Zoning: Present R20 Proposed MOC

7. Is parcel within 500 feet of municipal boundary? Yes _____ No X

8. Description of request 34,800 s.f. medical building with 159 parking spaces

9. Please indicate adjoining property owners and location as follows: (Attach separate sheet, if necessary). _____

Bounded: Northerly by: See attached

Westerly by: See attached

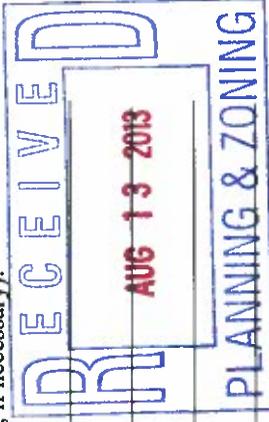
Southerly by: See attached

Easterly by: See attached

10. All information submitted with this application is true and accurate to the best of my knowledge. The applicant understands that this application is to be considered complete only when all information and documents required by the Commission have been submitted.

Date _____ Signature of Applicant [Signature]
(Must be owner or agent or party with a legal interest in the property)

The Metro Realty Group, Ltd.
By: Geoffrey W. Sager, President

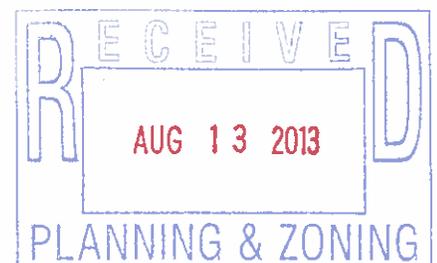


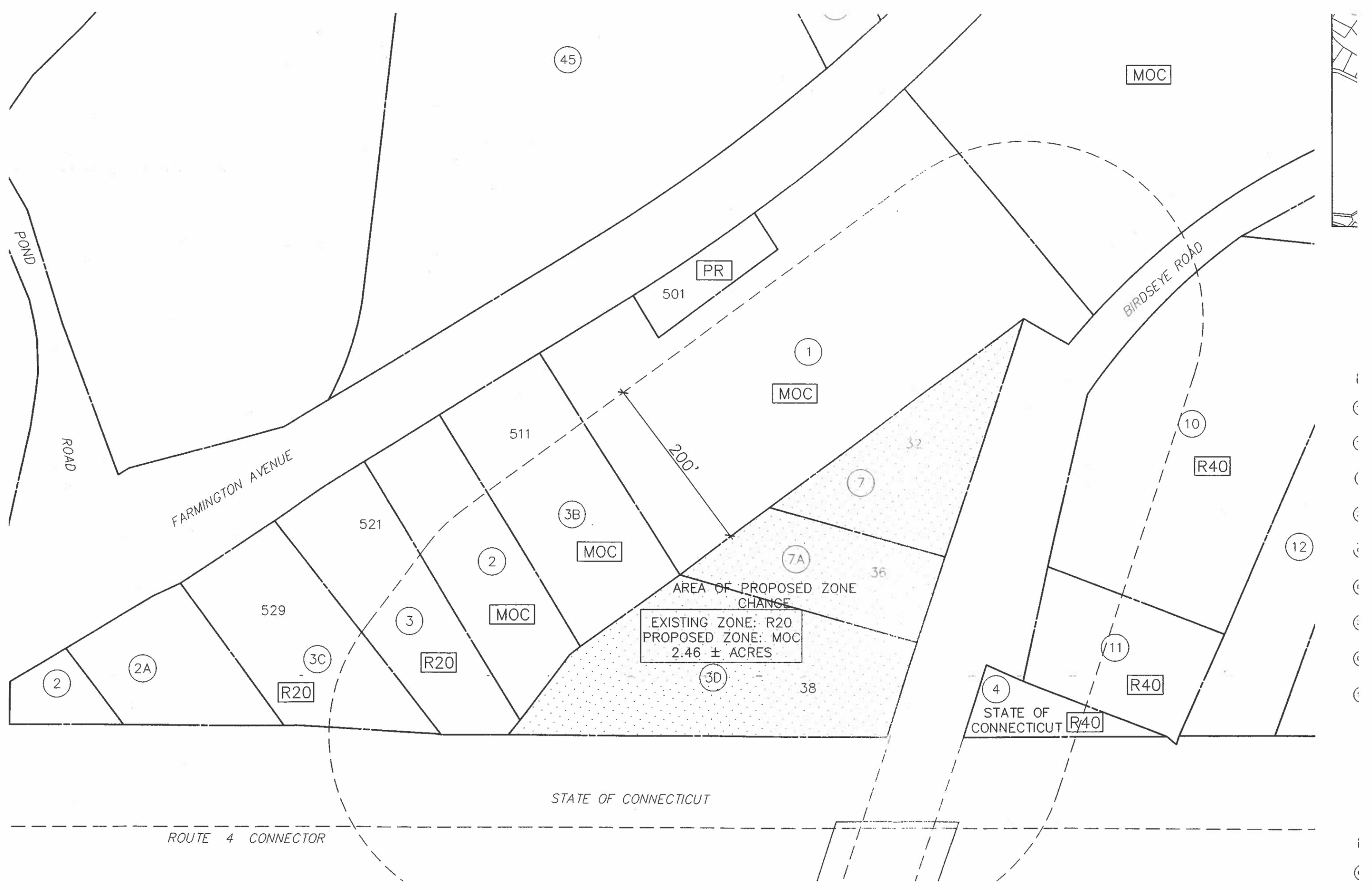
PLEASE READ THE FOLLOWING:

- A. Applications for change of zone and special permit require notification of the public hearing by Certified Mail by the applicant to all property owners within 200 feet of any boundary of the subject property no later than 10 days prior to such hearing. Receipts for such Certified Mail shall be provided to the Planning Department prior to the public hearing.
- B. Applications for change of zone and special permit require the posting of a sign on the subject property for 7 days prior to the Scheduled public hearing. A \$35.00 deposit is required for such sign, refundable upon the return of the sign.
- C. Applications within the Level A or B aquifer protection area requires notification of the application be made by certified mail, return receipt requested no later than seven days after the date of the application to the affected water company and the State Department of Public Health.
- D. Maps and Plans: This application must be accompanied by at least 8 copies of plans, 24" x 36" in size. A checklist of data to be included on plans is available.
- E. Filing Fee: The filing fee must be paid to the Farmington Tax Collector before acceptance of application by the Town Planner (Fee Schedule available from Planning Office).

The following shall amend Section 28 "Medical Office Campus Zone (MOC Zone)" by adding a sub-paragraph "d." immediately after subparagraph "c." of Provision D Height and Area Requirements, Item 4 Yards.

- d. Yard Exceptions: The Commission may reduce the yard requirements in its sole discretion where the yard of a property abuts the I 84 highway connector and a State highway having a right of way equal or greater than 80 feet in width.





45

MOC

PR

501

1

MOC

511

200'

32

10

R40

ROAD

FARMINGTON AVENUE

521

3B

MOC

2

7A

36

12

AREA OF PROPOSED ZONE CHANGE

EXISTING ZONE: R20
PROPOSED ZONE: MOC
2.46 ± ACRES

529

3

MOC

7A

36

11

R40

R20

3D

38

STATE OF CONNECTICUT

R40

R20

2

2A

3C

STATE OF CONNECTICUT

ROUTE 4 CONNECTOR

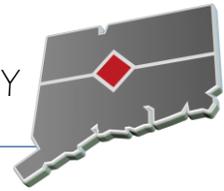
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TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Timothy Malone, Senior Planner
DATE: August 26th, 2013

RECEIVED BY CCRPA ON: July 25th, 2013
REFERRAL NAME: New Hartford zoning regulation amendment

INITIATOR: Town of New Hartford Planning and Zoning Commission

MUNICIPAL HEARING: September 11th, 2013
REFERRED TO: CCRPA

DESCRIPTION: The Town of New Hartford is proposing a rewrite of a previously proposed new section to their zoning regulations: the Public District/Utility Zone. This zone would include Regional Refuse Disposal District #1 and Metropolitan District Commission Properties. The rewritten section would explicitly permit all current uses, provided that no new buildings, structures, or alterations to the land are required. Additions and accessory buildings less than 500 square feet in size would be allowed by Zoning Permit while those over 500 square feet would be permitted with site plan approval. Any other use, so long as it furthers the purpose of a public agency, would require a special exception from the zoning commission.

COMMENTS: No comments were received.

STAFF RECOMMENDATION: CCRPA recommends that the referral in this proposal be found **not in Conflict** with the Regional Plan of Conservation and Development or any other agency plans.

Martin J. Connor, AICP, Planning Consultant
20 Dresden CT W, Goshen, CT 06756 Telephone (860) 491-9900
E-mail: mjconnor@hotmail.com

July 15, 2013

Rista Malanca, CZ&WEO, Land Use Administrator
New Hartford Planning and Zoning Commission
P.O. Box 316
530 Main Street
New Hartford, CT 06057

Re: Public Service/Utility District, Section 5.6

Dear Ms. Malanca,

At your request, I have revised the draft Public Service/Utility District, Section 5.6 of the New Hartford Zoning Regulations based on your comments and the comments of Town Attorney Mark Branse. I previously listened to the recording from the public hearing held May 8, 2013, to rezone properties owned by RRDD1 and MDC to the Public District/Utility Zone. I have corresponded via e-mail with Jim Hart, Administrator, RRDD1. You and I met with Carol Youell and Jim Randazzo from the MDC to discuss the rezoning of their properties and amendments to the permitted uses in Section 5.6.

I suggest a re-write of Section 5.6. I would recommend that the current uses being made of the RRDD1 & MDC land, provided that such uses and activities do not involve new buildings, structures, or alterations of the land, be listed as permitted uses in Section 5.6.B. Additions and accessory buildings for uses listed in Section 5.6.B less than 500 square feet in size be allowed by Zoning Permit. Structures over 500 square feet in size would be permitted uses - site plans required. Any uses not listed in 5.6.B. which are designed and used to further the purposes of the Public Agency, as such purposes are set forth in its charter, by-laws, license, franchise, or other operative document shall require Special Exception approval. Based on testimony from Mr. Hart at the recent public hearing I would recommend that solar energy production be added as an additional use allowed by site plan approval. Please see the re-write of Section 5.6 Public Utility Service/Utility District attached.

Sincerely yours,

Martin J. Connor, AICP
Planning Consultant

SECTION 5.6. PUBLIC SERVICE/UTILITY DISTRICT

A. Purpose

The purpose and intent of the PSU District is to permit public and quasi-public agencies, publicly chartered utilities, and other agencies providing public benefits pursuant to a governmental mandate, license, franchise, or similar procedure (hereafter, "Public Agencies"), to conduct necessary and customary operations and land uses without undue restriction by these Regulations. Towards that end, the intent of these Regulations is to be broadly permissive when such Public Agencies are operating within the scope of their principal function, but to restrict or prohibit any activities not within that scope.

Accordingly, land and water areas shall be used and buildings or structures shall be erected, altered, enlarged or used only for one (1) or more of the uses or use categories listed in this Section 5.6. only. The uses are listed as Permitted Uses – Allowed; Permitted Uses – Zoning Permit Required; Permitted Uses – Site Plan Required, and Other Uses - Special Exception – Required; all are subject to such standards and conditions which may be required by these Regulations.

B. Public Service Utility – Permitted Uses - Allowed

1. Operation and maintenance of water supply infrastructure including maintenance of reservoirs, dams, pipelines, pumping stations occupying land, buildings, or structures to the extent existing as of September xx, 2013.
2. Source water protection including but not limited to forest management activities, wildlife management and erosion and sedimentation control activities.
3. Public parks - passive recreation provided such activities do not involve buildings, structures, or alterations of the land.
4. Public outreach and education regarding watershed forest management and protection of public drinking water supplies through various means such as presentations and tours; special projects such as nature trails, kiosks and demonstration forests as well as publications and web-based materials provided such activities do not involve buildings, structures, or alterations of the land.
5. Research including the inventory and collection of scientific data and information regarding the property's natural and cultural resources provided such activities do not involve buildings, structures, or alterations of the land. This may include cooperative efforts with area schools, universities, State and Federal Agencies and organizations to promote research and educational opportunities on the property in order to increase the knowledge base.
6. Transfer stations, bulky waste handling and recycling stations occupying land, buildings or structures to the extent existing as of September xx, 2013.

C. Public Service Utility – Permitted Uses – Zoning Permit

1. Any addition less than 500 square feet in size to an existing use of land, buildings or structures for a use listed in Section 5.6.B.
2. Any accessory use of land, buildings or structures less than 500 square feet in size for a use listed in Section 5.6.B.

D. Permitted Uses - Site Plan Required

1. Any new structure or addition to an existing use of land, buildings or structures more than 500 square feet in size for a use listed in Section 5.6.B.
1. Any accessory use of land, buildings or structure more than 500 square feet in size for a use listed in Section 5.6.B.
2. Public Parks that involve buildings, structures, or significant alterations of the land.
3. Public outreach and education regarding watershed forest management and protection of public drinking water supplies through various means such as presentations and tours; special projects such

as nature trails, kiosks and demonstration forests as well as publications and web-based materials where such activities do involve buildings, structures, or alterations of the land.

4. Research including the inventory and collection of scientific data and information regarding the property's natural and cultural resources where such activities involve buildings, structures, or alterations of the land. This may include cooperative efforts with area schools, universities, State and Federal Agencies and organizations to promote research and educational opportunities on the property in order to increase the knowledge base.
5. Solar power generation facilities.

E. Other Uses - Special Exception Approval Required

1. The expansion, extension, or alteration of land, buildings, or structures and any new buildings or structures for uses beyond those listed in Section 5.6.B or existing on the effective date of this Section of the Regulations which are designed and used to further the purposes of the Public Agency, as such purposes are set forth in its charter, by-laws, license, franchise, or other operative document shall require Special Exception in accordance with Section 8.5 of these Regulations.

F. Prohibited Uses

Any industrial, commercial, or residential use that does not directly further the purposes of the Public Agency, or that is not owned or controlled by it, is prohibited. In addition, any use that may be deemed "residential" as that term is used in Connecticut General Statutes Section 8-30g shall be prohibited.

G. Required Lot Area and Lot Width, Maximum Building Coverage, Maximum Impervious Surface Coverage, Minimum and Maximum Floor Area, Minimum Front Setback, Minimum Side Setback, Minimum Rear Setback, Maximum Height

There shall be no minimum required lot area, frontage, or depth in the PSU District. Any use of land, building or structure, (including but not limited to, storage areas, parking lots, tanks, dikes and the like) shall be not less than fifty (50) feet from any property or street line. Where the front, side and/or rear yard is adjacent to or across the street from a residential district such use of land, building or structure shall be at least one hundred (100) feet from any property or street line.

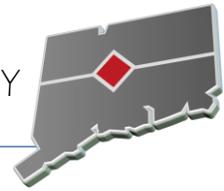
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TO: COMPREHENSIVE PLAN COMMITTEE
FROM: Timothy Malone, Senior Planner
DATE: August 26th, 2013

RECEIVED BY CCRPA ON: July 31st, 2013
REFERRAL NAME: Southington zoning regulation amendment

INITIATOR: Lancaster Land, LLP

MUNICIPAL HEARING: September 3rd, 2013
REFERRED TO: CCRPA

DESCRIPTION: Lancaster Land, LLP is proposing a change to regulations regarding the Housing Opportunity District (HOD). This is a floating zone that may be delineated upon petition by a property's owner. A new section would be added that would permit Age-restricted HODs (defined as a deed restricted HOD that only permits residents who are 62 and older) to be located on parcels of 10 or more acres (as opposed to the currently required 30 acre minimum), when the parcel is within 1,500 feet of I-84 and at least one (1) mile from a municipal border. It would also increase the allowable number of dwelling units per building to more than six and increase allowable density to 10 units per acre. Parking minimums would be lowered to 1.25 spaces per unit from 2.5 spaces per unit.

COMMENTS: Mark DeVoe (of Plainville) asked: "We understand the impetus for the proposed amendment and support the concept. We question why the development is tied to I-84 in lieu of central services and what purpose having the development within one mile from a municipal border might have."

Sev Bovino, representing the initiator, replied: "The closeness to I-84 has to do with traffic easy on easy off without impacting other residential areas in town. The distance to a town line is to inform other towns in the area that a project will not be at their doorsteps."

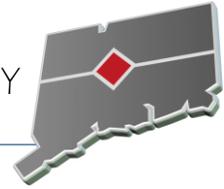
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STAFF RECOMMENDATION:

CCRPA recommends that the referral in this proposal be found **Not in Conflict** with the Regional Plan of Conservation and Development or any other agency plans. CCRPA notes that a floating zone is not ideal for such a development and that the placement of affordable house, be in age-restricted or not, should be carefully considered as part of an overall planning effort. That said, the proposal will have minimal regional impacts.

PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER - 196 NORTH MAIN STREET
SOUTHINGTON, CONNECTICUT 06489

Phone: (860) 276-6248 - Fax: (860) 628-3511

via email

July 31, 2013

Carl J. Stephani
Exec. Director, CCRPA
225 No Main St, Ste 304
Bristol, CT 06010

RE: Proposed Zoning Regulation Amendment – New Section 3-08.22 of HOD reg. (ZA #575)

Dear Sir or Madam:

In accordance with the provisions of the Connecticut General Statutes, attached is a copy of a proposed zoning text revision submitted by Lancaster Land, LP proposing to add a new section (3-08.22) to the HOD regulations of the Zoning Regulations.

The Planning and Zoning Commission anticipates opening the public hearing on this item on September 3, 2013. The complete file is available for review in the Planning Department, the Town Clerk's office and on the web page. If you have any questions regarding this proposal, please feel free to contact me at (860) 276-6248.

Respectfully,



David Lavalley
Acting Town Planner

enclosures

fee waived
resubmitted
7/30/13 KP

PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER, 196 NORTH MAIN STREET
SOUTHINGTON, CONNECTICUT 06489
PHONE (860) 276-6248 - FAX (860) 628-3511



FEE: See fee schedule

Date: 7/30/13

Z.A. # 575

PETITION TO ENACT A ZONING REGULATION AMENDMENT OF TEXT

The undersigned respectfully petitions the Southington Planning and Zoning Commission to consider granting a change in the text of the Zoning Regulations.

Description of proposed amendment with all related subsection numbers. Show existing text in upper and lower case and show proposed additions in all upper case letters or underlined numbers. Proposed deletions should be enclosed within double parentheses.

ADD A NEW SECTION TO THE HOD REGULATIONS (3-08-22), SEE ATTACHMENT

Is any zoning district potentially impacted by this proposed amendment within 500 feet of a Town boundary?
_____ yes _____ no

Reason for desired amendment: TO PROVIDE MORE HOUSING OPPORTUNITY TO PEOPLE 62 YEARS OF AGE OR OLDER.

Applicant:

LANCASTER LAND, L.P.

Name

#348 HARRIS HILL ROAD

mailing address

WILLIAMSVILLE, NY 14221

315-542-5371 315-833-9305

phone #

fax #

ctrev@2ffseniorhousing.com

email

applicant signature: [Signature]

Agent: SEVERINO V. BOVINO

C/O KRATZERT JONES & ASSOC.

Name

P.O. BOX 337

mailing address

MILLDALE, CT 06467

860-621-3638 860-621-9609

phone #

fax #

BOVINO@kratzerjones.com

email

RECEIVED

JUL 30 2013

**SOUTHINGTON
PLANNING & ZONING DEPT.**

kratzert, jones & associates, inc.

LAFAYETTE SQUARE UNIT 3 P.O. BOX 337 FAX (860) 621-9609
1755 MERIDEN-WATERBURY ROAD • MILLDALE, CONNECTICUT 06467-0337 • (860) 621-3638
E-MAIL INFO@KRATZERTJONES.COM

AN EQUAL OPPORTUNITY EMPLOYER - M - F

July 29, 2013

Central Connecticut Regional Planning Agency
Comprehensive Plan Committee
Attn: Mr. Donald Padlo, Chair
225 North Main Street, Suite 304
Bristol CT 06010-4993

Dear Mr. Chairman and Commission Members,

This request for a proposed text change to the current HOD regulations is made for the purpose of providing more affordable housing opportunities to the over 62 year old population which continues to increase in our town and the state and is expected to increase in the foreseeable future. Southington Housing Authority Executive Director Stephen Palmieri, tells me that there are 220 individuals on a waiting list with an expected wait of up to three years.

Any development under this proposed regulation will be restricted by deed or enforceable covenant. The proposal will be part of the current HOD, which is a floating zone, as a new section 3-08.22. Subsections B through E applies only to HODS that meet the requirement of subsection A. The maximum number of units allowed are ten per acre verses the current eight per acre. Just as a comparison, currently in CB zone housing for the elderly is allowed to have 29 units per acre. This new zone will be allowed only within 1500' of I-84, one mile (minimum) from any town line and must serve as a transition between residential and nonresidential zones. Research indicates that facilities like the one that is contemplated in this zone which has all units in large building (instead of multiple buildings with four to six units in each) serves the older tenant population better (no driving between buildings) and has a smaller carbon foot print because it allows the preservation of more open space. Research also shows that these

facilities work well with 1 to 1.25 parking spaces per unit (see research enclosed). However, this proposal calls for 1.5 parking spaces per unit. Attached research shows that municipal Elderly housing in town have one parking space per unit or less, same for two assisted living facilities (The Orchards on Hobart Street and Mulberry Gardens on Mulberry Street).

Also, attached is research of facilities in New York State. We hope that you find this proposal acceptable.

Sincerely,

A handwritten signature in black ink that reads "Severino V. Bovino". The signature is written in a cursive style and is positioned above a horizontal line.

Severino V. Bovino, VP

Land Planning and Development

PROPOSED AMENDMENT TO HOUSING OPPORTUNITY DISTRICT ("HOD")
REGULATION: ADDITION OF STANDARDS FOR HOD DEVELOPMENT
RESTRICTED TO OCCUPANTS 62 AND OLDER; **NEW SECTION 3.08-22**

DRAFT: JULY 2013

3-08 HOUSING OPPORTUNITY DISTRICT ("HOD")¹

3-08.1 General

The Housing Opportunity District (HOD) is a class of district that may be established by the Commission and delineated on the Zoning Map upon petition by the owner of property or by any person duly authorized by said owner and after due notice and public hearing as required by law for amendment of these Regulations.

3-08.2 Purpose – The HOD is made part of the Comprehensive Plan of Zoning for the following purposes:

- A. To encourage the construction of housing that is both affordable as defined by State Statutes and is consistent with design and construction standards present in the community.
- B. To assist the Town of Southington in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.

¹ New, ZA #538, effective 9/22/07

C. To utilize existing infrastructure efficiently and to promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices.

3-08.3 Petition – A petition for a change in zone boundary for the purpose of establishing a HOD may be filed with the commission in accordance with the provisions of Section 14-03. After a zone change is approved, approval of a site plan application is required.¹

3-08.4 Area of HOD – The area to be zoned HOD shall consist of not less than 30 acres in a single tract by a number of continuous tracts under one ownership, or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall development for the entire tract from the time of application and continuing thereof.

3-08.5 Permitted Uses

A. Multi-family dwelling units for rental use or for sale, subject to the following requirements:

1. Each multi-family dwelling shall be served by public sewer and water.
2. No building shall contain more than 6 dwelling units.

¹ revised, ZA #543, effective 6/6/09

3. The minimum distance between multi-family buildings shall be 45 feet. Duplex and detached single-family dwellings may be a minimum of 30 feet apart in a common interest act community.¹
 4. The minimum setback from the road shall be 25 feet.²
 5. The minimum side yard setback shall be 40 feet.
 6. The minimum rear yard setback shall be 40 feet.
 7. The minimum distance between the rear of the units shall be 45 feet. The minimum distance between the sides of units shall be 45 feet. Duplex and single-family dwellings may be a minimum of 30 feet apart in a condominium project.
 8. Decks and patios shall not be in the building setback.
 9. No residential or accessory building shall exceed three stories or 35 feet in height.
- B. A lease or sales office, recreational facilities and garages for the private use of the residents and their guests;

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

- C. One or more swimming pools and such buildings as are reasonably associated with the use of swimming pools. Swimming pools must be fenced in with a locking gate for safety.

- D. Active and passive recreational uses, including, but not limited to, walking trails, tot playlots, and picnic areas. Plans shall provide on the same parcel of land adequate playspace for the children of such dwellings¹, except in the case of elderly housing units where such space shall be provided for active or passive adult recreation. The Commission in its sole discretion, if subject to a two-thirds affirmative vote, may waive or reduce recreational requirements for elderly housing set forth herein above, if it finds that the proposed use is designed exclusively for elderly housing, that all or a majority of the proposed units shall be designed to have not more than one bedroom per unit and that the lot is located within a reasonable safe distance to a public park, public school or other facility with a reasonable area of land dedicated to recreational usage.

- E. Signs, as provided in Section 13;

- F. Other accessory uses customary with and incidental to the aforesaid permitted uses.

3-08.6 Development Density – Dwelling unit density in the HOD shall not exceed eight (8) dwelling units per acre of land. For purposes of computing allowable density,

¹ revised, ZA #543, effective 6/6/09

the minimum required area of the HOD shall exclude the area of ponds, marshes and other wetlands and other areas with a natural slope in excess of 25 percent.

3-08.7 Affordability Requirement – Not less than thirty percent (30%) of the dwelling units in the HOD development (and each phase of the development) shall be subject to deed restrictions that shall require that such dwelling units be sold or rented at or below prices that will preserve the units as affordable housing, as defined by Connecticut General Statutes § 8-30g, with fifteen percent (15%) reserved for persons and families whose income is at or below eighty percent (80%) and fifteen percent (15%) reserved for persons whose income is at or below sixty percent (60%), as applicable, of the area median income for Southington or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development. Such restrictions shall remain in effect for at least forty (40) years after the initial occupation of the proposed development. Those units to which deed restrictions will apply shall be designated with the submission of the final site plan.

3-08.8 Procedure – In addition to the materials required to be submitted under Section 9 as part of a site plan application, the applicant shall submit an "Affordability Plan" that complies with the requirements of Connecticut General Statutes § 8-30g.

3-08.9 Adequate Parking and Access: At least two and one-half (2.5) off-street parking spaces shall be provided for each HOD dwelling unit. Parking spaces in front of garages shall be counted towards this requirement. The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.

- 3-08.10 Each property line along which residential units are proposed shall be paralleled by a screen of naturally existing vegetation at least 20 feet wide, or shall be landscaped by planting a double row of pine trees. All landscaping shall be appropriately maintained. Applicants shall avoid clearing existing vegetation where possible, but may propose additional plantings where necessary to improve screening. Such landscaping is not required in areas where utilities are proposed or where wetlands or watercourses are located.¹
- 3-08.11 Mechanicals and outside generators that serve the entire community² and dumpsters shall be screened with a lightproof fence. In the case of dumpsters, a detail of the proposed dumpster enclosure shall be included on the plans and a note shall be added to the plans stating that the top of the dumpster shall be no higher than the top of the fence. A lightproof fence shall be required.
- 3-08.12 If a community center is proposed, the community center shall have one parking space for every 200 s.f. of gross area of the community center in accordance with Section 12-01.1 of the Zoning Regulations.³
- 3-08.13 Full cutoff light fixtures and recessed lenses only shall be used on the property and no light shall be positioned so as to cause a nuisance external to the site from excessive glare.
- 3-08.14 Design Standards for Transportation Network: A grid street pattern or interconnecting loops shall be required for the purposes of ensuring adequate

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

³ revised, ZA #543, effective 6/6/09

public safety access and effective traffic circulation. For developments over 25 units in density, applicants shall provide two entrance/exits from the development.

- 3-08.15 Adequate Public Utilities: That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.
- 3-08.16 A Phase I Environmental Report must be submitted to verify there are no environmental concerns and no potential environmental equity concerns.
- 3-08.17 Adequate Streets for Use: Streets providing access to the proposed use or development shall be adequate in width, grade, alignment and visibility, and shall have adequate capacity for the additional traffic generated by the proposed use.¹ The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS D.² Alternately, offsite roadway improvements or signalization may be required to ensure the adequacy of the local roadway system and public safety. Provisions shall be made for vehicular traffic to enter and exit the site which do not create an undue traffic hazard and/or cause undue traffic congestion. All access points shall accommodate two lanes of traffic entering and exiting the site unless the Commission deems it in the interests of public safety and the welfare of the

¹ revised, ZA #543, effective 6/6/09

² revised, ZA #543, effective 6/6/09

general public, due to the existing conditions, to permit alternative access to the site including but not limited to restricted turning movements and shared access.

- 3-08.18 The property and proposed parking areas shall be suitably landscaped with a combination of trees, shrubs and other plant materials to filter and screen the view of the proposed development from the surrounding area and adjacent properties and enhance the appearance of the proposed development. The Commission may require as a condition of approval a performance bond to assure the completion of any site and/or public improvements.
- 3-08.19 The proposed use, proposed buildings and structures and other site features are to be designed and maintained in such a manner as not to impose an unacceptable risk to aquifers and public water supplies.
- 3-08.20 Environmental Protection and Conservation: That the proposed plans shall provide for the reasonable conservation of natural features,¹ the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

¹ revised, ZA #543, effective 6/6/09

3-08.21¹ Control of Issue of Certificates of Occupancy: The issue of Certificates of Occupancy shall be limited to 75% of the dwelling units contained in the project until:

- a. All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by bond have been completed to the satisfaction of town staff. Town staff may support bonding for outstanding improvements due to extenuating circumstances, subject to a 2/3 vote by the Commission. Bonding in lieu of improvements for these developments shall be the exception and not the rule.
- b. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the Town Engineer or his designee.
- c. All recreational facilities shown on the approved final plan have been installed.
- d. The final course of pavement has been installed.

3-08.22 Age-Restricted HOD (NEW) – If a Housing Opportunity District development will be restricted, by deed restriction or enforceable covenant or condition, to occupants 62 years of age or older, the development plan shall comply with this § 3-08 with the following exceptions:

¹ New, ZA #543, effective 1/5/08

- A. In lieu of § 3-08.4, the HOD may be located on a parcel of 10 or more acres, provided such parcel is within 1,500 feet of Interstate 84 and serves as a transition between residential and non-residential zones and is located not less than 1.0 miles from a Town Line.**

- B. In lieu of § 3-08.5.A.2, buildings may contain more than six (6) dwelling units if the buildings are designed to include a handicapped-accessible recreational meeting room that residents can access using internal halls or walkways.**

- C. In lieu of § 3-08.6, density shall not exceed ten (10) units per acre.**

- D. In lieu of § 3-08.9, at least 1.5 parking spaces shall be provided per HOD dwelling unit.**

- E. In lieu of § 3-08.12, a community center shall not require additional parking if located within the residential buildings that it serves.**